

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WILLIAM M. BYRD,

Plaintiff,

v.

AVENTIS PHARMACEUTICALS, INC.  
and DEBRA EDMUNDS,

Defendants.

Civil Action No. 04-11032-DPW

AFFIDAVIT OF DAVID PEARLSTEIN

I, David Pearlstein, having been duly sworn, under oath, do depose and say as follows:

1. I am a former employee of Aventis Pharmaceuticals, Inc. ("Aventis"). I worked at Aventis as both a sales representative and sales manager for approximately ten years until I voluntarily terminated my employment in <sup>ACTING</sup> SEPT. 2004. I left the employment of Aventis to become an area manager for another pharmaceutical company

2. During my employment with Aventis, I had occasion to observe Bill Byrd in his work performance, both as his area manager and co-worker. I was Bill Byrd's temporary area manager before Deb Edmonds and during her maternity leave from Aventis. Based on my observations working with Bill during the time that I did, he was as hard working, honest and as qualified a sales representative as anyone in the company. He was as good, or better, sales representative as anyone else in Aventis.

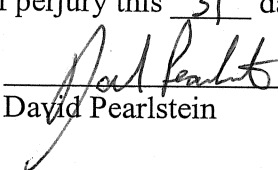
3. The issues that Aventis had with Bill Byrd's performance, including sample variances; call notes not being entered immediately following an office visit; the

allegation that Bill Byrd falsified an expense report by referencing a golf outing as a "roundtable"; utilization of a paper form for a signature rather than the hand held computer device; and strict submission of monthly pod reports are quite subjective matters, infractions which could occur on a daily basis to any sales representative at Aventis. To place a sales representative, performing as I observed Bill Byrd perform, under such selective scrutiny creates the impression that Aventis was looking to get rid of Bill Byrd.

4. The paper trail that Aventis created in its scrutinization of Bill Byrd's performance could be created on any sales representative's job performance if placed under the same magnifying glass.

5. The particular scrutinization that Aventis put Bill Byrd under was not commonplace in my experience and was utilized in this case to eventually terminate the employee.

Signed under the pains of penalties of perjury this 31 day of March 2005.

  
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David Pearlstein

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